

Senate Amendment 5457

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1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:

1 3 #1. Page 54, by inserting before line 22 the
1 4 following:

1 5 <DIVISION ____
1 6 PERMITS TO CARRY WEAPONS

1 7 Sec. ____ Section 229.24, subsection 1, Code 2007,
1 8 is amended to read as follows:

1 9 1. ~~All Except as otherwise provided in this~~
1 10 ~~section, all~~ papers and records pertaining to any
1 11 involuntary hospitalization or application for
1 12 involuntary hospitalization of any person under this
1 13 chapter, whether part of the permanent record of the
1 14 court or of a file in the department of human
1 15 services, are subject to inspection only upon an order
1 16 of the court for good cause shown. ~~Nothing in this~~
1 17 ~~This~~ section shall not prohibit a hospital from
1 18 complying with the requirements of this chapter and of
1 19 chapter 230 relative to financial responsibility for
1 20 the cost of care and treatment provided a patient in
1 21 that hospital, ~~not or~~ from properly billing any
1 22 responsible relative or third-party payer for such
1 23 care and treatment.

1 24 Sec. ____ Section 229.24, Code 2007, is amended by
1 25 adding the following new subsection:

1 26 NEW SUBSECTION. 4. The clerk of the district
1 27 court shall provide to the department of public safety
1 28 notice of all adjudications of persons involuntarily
1 29 committed to a mental institution for inpatient or
1 30 outpatient or other appropriate treatment by reason of
1 31 serious mental impairment under this chapter. Such
1 32 notice shall only be used by the department to submit
1 33 information to the national instant criminal
1 34 background system maintained by the federal bureau of
1 35 investigation and shall otherwise remain confidential.

1 36 Sec. ____ Section 724.7, Code 2007, is amended to
1 37 read as follows:

1 38 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 39 ~~Any A person who can reasonably justify going armed~~
1 40 ~~may shall~~ be issued a nonprofessional permit to carry
1 41 weapons. Such permits shall be on a form prescribed
1 42 and published by the commissioner of public safety,
1 43 which shall be readily distinguishable from the
1 44 professional permit, and shall identify the holder
1 45 thereof, and state the reason for the issuance of the
1 46 permit, and the limits of the authority granted by
1 47 such permit. All permits so issued shall be for a
1 48 definite period as established by the issuing officer,
1 49 but in no event shall exceed a period of twelve
1 50 months.

2 1 Sec. ____ Section 724.8, Code 2007, is amended to
2 2 read as follows:

2 3 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY
2 4 WEAPONS.

2 5 ~~No~~ A person shall not be issued a professional or
2 6 nonprofessional permit to carry weapons unless:

2 7 1. The person is eighteen years of age or older
2 8 for a professional permit or twenty-one years or older
2 9 for a nonprofessional permit.

2 10 2. The person has never been convicted of a
2 11 felony.

2 12 3. The person is not addicted to the use of
2 13 alcohol or any controlled substance.

2 14 4. The person has no history of repeated acts of
2 15 violence.

2 16 5. The issuing officer reasonably determines that
2 17 the applicant does not constitute a danger to any
2 18 person.

2 19 6. The person has never been convicted of any
2 20 crime defined in chapter 708, except "assault" as
2 21 defined in section 708.1 and "harassment" as defined
2 22 in section 708.7.

2 23 7. The person has not been committed to a mental
2 24 institution for purposes of 18 U.S.C. } 922 (g)(4).

2 25 8. The person is not subject to a protective order
2 26 pursuant to 18 U.S.C. } 922(q)(8) and has not been
2 27 convicted of a misdemeanor crime of domestic violence
2 28 pursuant to 18 U.S.C. } 922(q)(9). It is the intent
2 29 of the general assembly that violations of these
2 30 federal laws be strictly enforced in the courts of
2 31 this state.

2 32 Sec. ____ Section 724.9, Code 2007, is amended to
2 33 read as follows:

2 34 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.

2 35 A training program to qualify persons in the safe
2 36 use of firearms shall be provided by the issuing
2 37 officer of permits, as provided in section 724.11.

2 38 1. The commissioner of public safety shall
2 39 establish minimum standards for a training program
2 40 designed to qualify persons in the safe use of
2 41 firearms and shall include a course of instruction
2 42 designed to qualify a person on a firing range. The
2 43 course of instruction shall be limited to a maximum of
2 44 six hours in length. The course of instruction shall
2 45 include all of the following:

2 46 a. Firearms safety in the classroom, at home, on
2 47 the firing range, and while carrying the firearm.

2 48 b. A physical demonstration performed by the
2 49 applicant that demonstrates the applicant's ability to
2 50 safely load and unload a revolver or a semiautomatic
3 1 pistol and the applicant's marksmanship.

3 2 c. The basic principles of marksmanship.

3 3 d. The law relating to firearms pursuant to this
3 4 chapter.

3 5 e. The law relating to the justifiable use of
3 6 force pursuant to chapter 704.

3 7 f. A live fire shooting test administered to an
3 8 applicant pursuant to section 724.9A.

3 9 2. The commissioner of public safety shall approve
3 10 the training program, and the county sheriff or the
3 11 commissioner of public safety conducting the training
3 12 program within their respective jurisdictions may
3 13 contract with a private organization or use the
3 14 services of other agencies, or may use a combination
3 15 of the two, to provide ~~such a~~ training program that
3 16 meets the standards specified in subsection 1. Any

3 17 person eligible to be issued a permit to carry weapons
3 18 may enroll in such course. A fee sufficient to cover
3 19 the cost of the program may be charged to each person
3 20 attending. Certificates of completion, on a form
3 21 prescribed and published by the commissioner of public
3 22 safety, shall be issued by a qualified firearms safety
3 23 instructor subject to the restrictions of section

3 24 724.9B to each person who successfully completes the

3 25 program. ~~No~~ A person shall not be issued either a
3 26 professional or nonprofessional permit unless the
3 27 person has received a certificate of completion or is
3 28 a certified peace officer. ~~No~~ A peace officer or
3 29 correctional officer, except a certified peace
3 30 officer, shall not go armed with a pistol or revolver
3 31 unless the officer has received a certificate of
3 32 completion, provided that this requirement shall not
3 33 apply to persons who are employed in this state as
3 34 peace officers on January 1, 1978 until July 1, 1978,
3 35 or to peace officers of other jurisdictions exercising
3 36 their legal duties within this state.

3 37 Sec. ____ NEW SECTION. 724.9A LIVE FIRE SHOOTING
3 38 TEST.

3 39 1. A live fire shooting test shall be administered
3 40 in the presence of a firearms safety instructor
3 41 qualified under section 724.9C to an applicant for a
3 42 nonprofessional permit to carry weapons. The live
3 43 fire shooting test shall consist of thirty rounds
3 44 fired from a standing position or its equivalent at a
3 45 distance from a B=27 silhouette target or an FBI "Q"
3 46 target, ten rounds fired from a distance of five
3 47 yards, ten rounds fired from a distance of seven
3 48 yards, and ten rounds fired from a distance of ten
3 49 yards. Two sets of five rounds shall be fired
3 50 consecutively at each designated distance and each
4 1 five-round string shall be fired within thirty
4 2 seconds. Twenty-one of the rounds fired must strike
4 3 either the eight-ring on the B=27 target or the
4 4 smallest FBI "Q" target to pass the live fire shooting
4 5 test.

4 6 2. An applicant for a nonprofessional permit to
4 7 carry weapons may attempt to pass the live fire
4 8 shooting test administered pursuant to subsection 1 up
4 9 to three times in one day but must pass the shooting
4 10 test within two weeks of completing a firearms
4 11 training program pursuant to section 724.9. An
4 12 applicant who fails the live fire shooting test within
4 13 the requisite two-week period shall be required to
4 14 retake the firearms training program prior to again
4 15 attempting to pass the live fire shooting test.

4 16 3. The provisions of this section shall be
4 17 implemented uniformly throughout the state and shall
4 18 constitute the statewide standard for the course of
4 19 instruction qualifying a person to shoot on a firing
4 20 range pursuant to section 724.9.

4 21 Sec. _____. NEW SECTION. 724.9B CERTIFICATE OF
4 22 COMPLETION.

4 23 A qualified firearms safety instructor shall not
4 24 issue a certificate of completion to an applicant for
4 25 a permit to carry weapons who does any of the
4 26 following:

4 27 1. Fails to demonstrate the requisite knowledge
4 28 and technique regarding the proper handling of a
4 29 firearm.

4 30 2. Handles a firearm in a manner that, in the
4 31 judgment of the qualified firearms safety instructor,
4 32 poses a danger to the applicant or others.

4 33 3. Fails the live fire shooting test pursuant to
4 34 the requirements specified in section 724.9A.

4 35 Sec. _____. NEW SECTION. 724.9C QUALIFIED FIREARMS
4 36 SAFETY INSTRUCTOR.

4 37 A firearms safety instructor shall be considered to
4 38 be a qualified firearms safety instructor if the
4 39 instructor has any of the following qualifications:

4 40 1. Is a valid firearms safety instructor certified
4 41 by the national rifle association holding a rating as
4 42 a personal protection instructor or pistol
4 43 marksmanship instructor.

4 44 2. Submits a photocopy of a certificate of
4 45 completion of a firearms safety instructor course
4 46 offered by a local, state, or federal governmental
4 47 agency and approved by the department of public
4 48 safety.

4 49 3. Submits a photocopy of a certificate of
4 50 completion of a firearms safety instructor course
5 1 approved by the department of public safety.

5 2 4. Has successfully completed a firearms safety
5 3 instructor course given by or under the supervision of
5 4 any state, county, municipal, or federal enforcement
5 5 agency.

5 6 5. Is a certified police officer firearms safety
5 7 instructor.

5 8 6. Is a certified law enforcement academy firearms
5 9 safety instructor.

5 10 Sec. _____. Section 724.11, Code 2007, is amended to
5 11 read as follows:

5 12 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

5 13 1. Applications for permits to carry weapons shall
5 14 be made to the sheriff of the county in which the
5 15 applicant resides. Applications from persons who are
5 16 nonresidents of the state, or whose need to go armed
5 17 arises out of employment by the state, shall be made
5 18 to the commissioner of public safety. In either case,
5 19 the issuance of the permit shall be by and at the
5 20 discretion of the sheriff or commissioner, who shall,
5 21 before issuing the permit, determine that the
5 22 requirements of sections 724.6 to 724.10 have been
5 23 satisfied. However, the training program requirements
5 24 in section 724.9 may shall be waived for renewal
5 25 permits. If the sheriff or the commissioner restricts
5 26 or denies an application for a permit under this
5 27 section, the sheriff or commissioner shall provide a
5 28 written statement of the reasons for the restriction
5 29 or the denial to the applicant by certified mail
5 30 within fifteen working days of the filing of the
5 31 application.

5 32 2. The issuing officer shall collect a fee of ten
5 33 dollars, except from a duly appointed peace officer or
5 34 correctional officer, for each permit issued. Renewal
5 35 permits or duplicate permits shall be issued for a fee
5 36 of five dollars. The issuing officer shall notify the

5 37 commissioner of public safety of the issuance of any
5 38 permit at least monthly and forward to the
5 39 commissioner an amount equal to two dollars for each
5 40 permit issued and one dollar for each renewal or
5 41 duplicate permit issued. All such fees received by
5 42 the commissioner shall be paid to the treasurer of
5 43 state and deposited in the operating account of the
5 44 department of public safety to offset the cost of
5 45 administering this chapter. Any unspent balance as of
5 46 June 30 of each year shall revert to the general fund
5 47 as provided by section 8.33.

5 48 Sec. ____ NEW SECTION. 724.11A RECIPROCITY.
5 49 A person possessing a valid permit issued by
5 50 another state to carry a weapon shall be entitled to
6 1 the privileges and subject to the restrictions
6 2 prescribed in this chapter provided the state that
6 3 issued the license has eligibility and training
6 4 requirements that are equal to or greater than the
6 5 eligibility and training requirements prescribed by
6 6 this chapter. The department of public safety shall
6 7 determine which states qualify as reciprocal states,
6 8 shall maintain an up-to-date list of such states, and
6 9 shall post such information on the department's
6 10 internet site.

6 11 Sec. ____ NEW SECTION. 724.14 IMMUNITY.
6 12 The sheriff or the commissioner of public safety
6 13 shall not be liable for damages in any civil action
6 14 arising from the alleged wrongful issuance, renewal,
6 15 or failure to revoke a permit to carry weapons
6 16 provided that the sheriff or the commissioner acted
6 17 reasonably and in good faith and in accordance with
6 18 the provisions of this chapter in carrying out the
6 19 sheriff's or the commissioner's official duties.
6 20 Sec. ____ EFFECTIVE DATE. The sections of this
6 21 division of this Act amending section 229.24 take
6 22 effect January 1, 2009.>
6 23 #2. By renumbering as necessary.
6 24
6 25
6 26

6 27 RON WIECK

6 29 DAVID JOHNSON

6 33 JERRY BEHN

6 36 JOHN PUTNEY

6 39 NANCY J. BOETTGER

6 42 PAUL MCKINLEY

6 45 DAVID L. HARTSUCH

6 48 STEVE KETTERING

7 1 JAMES F. HAHN

7 4 BRAD ZAUN

7 7 JAMES A. SEYMOUR

7 8 HF 2700.243 82

7 9 jp/ml/12